

REMARKS--General

The use of this invention is for concealing a tank, usually a tank for hazardous fluid. The concealment is provided by way of transforming the tank into an object that is useful, such as a balcony or deck.

Although it could be argued that most types of storage tanks are sturdy enough to support an entity, the structures described, more specifically patent 1,521,148 by Dennett, would not work as a balcony because of its domed top. Making the top flat would not afford it enough structural strength to support a load, such as adult humans and patio furniture as would be expected on a balcony or deck.

Garton (6,474,496) also would not have enough structural integrity to perform the utilitarian function is Applicants' invention.

Examiner is using various patents from various fields such as swimming pools in trying to bring about his point. Of course, if one is to assemble enough components from various art groups, one can recreate just about anything from a washing machine out of combining toasters and a lawnmower to a spaceship out of a winnebago, satellite dish and a moulinette but truth be told, Examiner could not find a single reference that actually performs the double duty set forth in this invention and it is only through a constricted use of various prior arts and the use of 20/20 hindsight that Examiner could arrive at what he thinks Applicants' invention teaches. Sometimes an invention is more than just the sum of its parts. Of course, Applicants' invention has to have a number of known components common to other

inventions relating to storing liquids such as pipes leading in and out and gauges but there are other elements quite unique which enables this invention that makes it able to act as a balcony, which none of the prior art was conceived for, designed for and able to do. Applicants' invention fulfills a long felt need that is not addressed at all by any of the prior art, that is to solve problems of underground storage of hazardous fluid by putting the tank above ground and solving disadvantages of above ground tanks as well by having its tank put to use.

A utility patent being for something that is deemed to be useful, then Applicant's invention surely qualifies as such by providing for a novel combination of elements providing a synergistic result not anticipated by any of the prior art since if it would have been anticipated, surely it would have been achieved since the technology and know-how was available at the time of all of the cited prior art were made and the motivation, that is the problems of underground tanks, pollution, etc, are issues that have been known for decades. Of course, all issues concerned with problems of space, esthetics, etc.. have also been issues known for decades. As such, Applicants have thought "outside the box" and came up with a totally unanticipated invention that is useful as it solves several problems and helps protect the environment as well.

Applicants feel that the elected claims of record distinguish over the prior art and still stand.

Applicant hopes that he has responded to the Office Action in an appropriate manner

Requests for Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define unobvious structure because it produces new and unexpected results. If for any reasons the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



Applicant pro se